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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 20 August 1993, at 10 a.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

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Consideration of draft resolutions and decisions

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GE.93-14927 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS

1. The CHAIRMAN announced that the Sub-Commission would vote on the draft resolutions submitted under agenda items 3, 15, 6, 18 and 12, in that order.

2. Mr. EIDE said that, in accordance with Economic and Social Council resolution 1991/32, the Sub-Commission was required to vote on draft resolutions pertaining to allegations of human rights violations in countries. He proposed that such a vote be taken by secret ballot and that the same procedure should apply in the case of procedural votes relating to those draft resolutions. That did not rule out the adoption of such resolutions without a vote.

3. The CHAIRMAN said that it was his understanding that the Sub-Commission might vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it was so decided by a majority of its members present and voting. The ruling did not apply to particular items: the criterion was whether the resolution referred to human rights violations in any country.

4. Mr. EIDE, in reply to a point raised by Mrs. ATTAH, said that he was recommending that the Sub-Commission should make a general decision, which would apply to all forthcoming situations, to the effect that, if a vote was requested on draft resolutions pertaining to violations of human rights in countries, that vote should be taken by secret ballot; that rule would also apply to procedural votes relating to those draft resolutions.

5. Following a procedural discussion in which Mr. ALFONSO MARTINEZ and Mr. EIDE took part, the CHAIRMAN said that he understood that the Sub-Commission wished to take a general decision to take a secret ballot in situations where there were allegations of violations of human rights relating to particular countries; a situation might, of course, arise where there was no need for a vote.

6. It was so decided.

7. Mr. ALFONSO MARTINEZ said that he wished to reserve his position. He was against that type of secret ballot. The purpose of the original decision on secret ballots had been to protect the independence of experts.

Review of the work of the Sub-Commission (agenda item 3) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.5

8. Mrs. KSENTINI proposed that the following text should be added at the end of operative paragraph 4: "as well as on means to ensure the follow-up of recommendations and conclusions of the studies undertaken under the auspices of the Sub-Commission".

9. Mr. BOSSUYT said that he could go along with operative paragraph 4, but had difficulties with the three preceding operative paragraphs, particularly paragraph 2. The Secretariat was overworked and there was already a publication in existence on the activities of the United Nations in the field of human rights. Moreover, new members of the Sub-Commission should already be experts on United Nations human rights activities and should not need to be provided with such information; otherwise they should not apply for membership. Operative paragraph 2 was belittling to the level of expertise of the members of the Sub-Commission.

10. The CHAIRMAN pointed out that operative paragraph 1 would only require the Secretariat to familiarize new members with the workings of the Sub-Commission. The paragraphs had been taken from the relevant resolution of the Commission on Human Rights.

11. Mr. JOINET agreed with Mr. Bossuyt. The Secretariat already had too much work to do and should not be asked to undertake additional work where the information was already available. A new member should know where to apply for information and in any case could always get it from the Centre for Human Rights.

12. He supported the deletion of the first three operative paragraphs.

13. Mr. ALFONSO MARTINEZ considered that operative paragraph 4 could be retained as amended by Mrs. Ksentini. Operative paragraphs 1, 2 and 3 should be deleted.

14. Mr. HELLER agreed with Mr. Alfonso Martínez. Operative paragraph 4 should be retained.

15. Mrs. WARZAZI considered that only operative paragraph 4, as amended by Mrs. Ksentini, should be retained.

16. The CHAIRMAN said it was his understanding that the Sub-Commission agreed to the deletion of operative paragraphs 1 to 3 and that operative paragraph 4, as amended by Mrs. Ksentini, would be the sole operative paragraph.

17. Draft resolution E/CN.4/Sub.2/1993/L.5, as amended, was adopted without a vote.

Contemporary forms of slavery (agenda item 15) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.7

18. The CHAIRMAN announced that Mr. Guissé, Mr. Joinet and Mr. Sachar had become sponsors of the draft resolution.

19. Mr. CISSE (Centre for Human Rights), speaking on financial implications, said that, under paragraph 4 of the draft resolution, the Sub-Commission would decide to invite the Special Rapporteur on the sale of children, child prostitution and child pornography to participate in the nineteenth session of the Working Group; under paragraph 12 the Sub-Commission would decide to consider the possibility of appointing a special rapporteur to update the

report of Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479); under paragraph 30 it would invite a representative of the United Nations Trust Fund on Contemporary Forms of Slavery to attend the nineteenth session of the Working Group; and under paragraph 39 it would recommend that arrangements regarding the organization of the sessions of the Working Group, as endorsed by the Commission on Human Rights in its resolution 1993/27 and decision 1993/112, be repeated in subsequent years.

20. The programme budget implications of the draft resolution, should the Commission on Human Rights decide to adopt it, would be brought to the attention of the Commission.

21. Mr. YIMER proposed that Mrs. Warzazi should be nominated as Special Rapporteur to update the report of Mr. Bouhdiba and to extend the study to the problem of debt bondage.

22. Mrs. KSENTINI supported the nomination of Mrs. Warzazi.

23. Mrs. WARZAZI thanked the members of the Sub-Commission for the confidence they had shown in her in appointing her as Special Rapporteur. She requested that, in view of that appointment, her name should be deleted from the list of co-sponsors.

24. Draft resolution E/CN.4/Sub.2/1993/L.7, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.12

25. The CHAIRMAN announced that the draft resolution would be reissued as draft resolution E/CN.4/Sub.2/1993/L.12/Rev.1 in order to enable the sponsors to supplement the text with additional information.

Draft resolution E/CN.4/Sub.2/1993/L.13

26. The CHAIRMAN announced that Mrs. Attah had become a sponsor.

27. Draft resolution E/CN.4/Sub.2/1993/L.13 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.14

28. The CHAIRMAN announced that Mrs. Daes and Mr. Guissé had become sponsors.

29. Draft resolution E/CN.4/Sub.2/1993/L.14 was adopted without a vote.

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (agenda item 6) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.6

30. The CHAIRMAN announced that Mr. Khalil had become a sponsor.

31. Draft resolution E/CN.4/Sub.2/1993/L.6 was adopted without a vote.

32. Mr. ALFONSO MARTINEZ said that, if the draft resolution had been put to the vote, he would have abstained because of the reference to a specific situation mentioned in operative paragraph 4.

33. Mr. JOINET shared the position of Mr. Alfonso Martínez for technical legal reasons. The Convention on the Prevention and Punishment of the Crime of Genocide would be difficult to apply because only a court in the country where the alleged genocide had taken place would be competent.

34. Mr. DESPOUY took the same position as the two previous speakers.

Draft resolution E/CN.4/Sub.2/1993/L.15

35. The CHAIRMAN announced that Mr. Khalil's name should be added to the list of sponsors.

36. A vote was taken by secret ballot.

37. At the invitation of the Chairman, Mrs. Chavez and Mr. Alfonso Martínez acted as tellers.

38. Draft resolution E/CN.4/Sub.2/1993/L.15 was adopted by 17 votes to 4, with 3 abstentions.

Draft resolution E/CN.4/Sub.2/1993/L.16

39. Mrs. KSENTINI, supported by Mr. JOINET, said with regard to operative paragraph 3 that the term "to do its utmost to enhance the promotion and protection of human rights" seemed to imply that armed intervention or similar measures would be acceptable. She therefore suggested that it should be replaced by "to contribute, by appropriate means, to the promotion and protection of human rights".

40. Mrs. WARZAZI suggested that "in a positive manner" should also be inserted.

41. Mrs. KSENTINI suggested that the text should, therefore, read "to contribute, by appropriate means and positive measures, to the promotion and protection of human rights".

42. Draft resolution E/CN.4/Sub.2/1993/L.16, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.17

43. Mr. SACHAR said that he would be happy to be a sponsor but requested that the draft resolution should reflect developments which had taken place since it was first drawn up. He suggested that the final preambular paragraph should read:

> "Taking into account the ongoing process of negotiation between the parties concerned since the Madrid International Peace Conference,"

and that the last operative paragraph should read:

> "Urges all parties concerned to spare no effort in negotiating in good faith in order to speedily reach a just and lasting peace settlement on the basis of Security Council resolutions 242 and 338 and all other relevant United Nations resolutions."

44. Mr. ALFONSO MARTINEZ, Mr. KHALIL and Mrs. KSENTINI suggested that the sponsors should discuss the proposed amendments.

45. Mrs. WARZAZI said that if the two amendments were accepted, she would like to be added to the list of sponsors.

46. The CHAIRMAN suggested that the vote on E/CN.4/Sub.2/1993/L.17 should be postponed in order to give the sponsors time to discuss the amendments.

47. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.18

48. The CHAIRMAN noted that Mr. Joinet and Mrs. Daes wished to be included in the list of sponsors.

49. Draft resolution E/CN.4/Sub.2/1993/L.18 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.19

50. Mrs. WARZAZI said that she hoped the sponsors would agree that the text failed to take into account all the violations of human rights following the bombings and the embargo, as a result of which many children were dying and going hungry. The text of the draft resolution lacked a measure of balance.

51. Mr. AL-DOURI (Observer for Iraq) said that he fully endorsed the statement made by Mrs. Warzazi. At the forty-fourth session of the Sub-Commission, the observer for his country had expressed satisfaction at the special attention paid by the Sub-Commission to the reality of the situation in Iraq following the embargo and its consequences, including human rights violations that had led to the death of hundreds of thousands of people who had been deprived of food and medicines.

52. The reality in Iraq was one of tragedy for its people and of crimes of genocide. The Sub-Commission should have looked at those aspects and also recognized the diversity of religions found in Iraq. Unfortunately it had not done so. In June 1993 the Food and Agriculture Organization (FAO) had painted a very bleak picture of the situation in Iraq. The Sub-Commission should take full account of the fact before taking a decision on the draft resolution. The text of the draft resolution contained a great deal of unverified, even false information, particularly with regard to the bombings in southern Iraq and the refuge being sought by Arab Shiites on the border with the Islamic Republic of Iran. The Government of Iraq had invited representatives of the

international media to see for themselves and report on the situation in Iraq, which they had done. However, unsubstantiated information had been included in the draft resolution and it should therefore be put to one side. The Government of Iraq would give all the assistance possible to enable the Sub-Commission to take stock of what was happening in Iraq. People were dying because of the embargo and it was essential that that fact was reflected in the draft resolution.

53. Mr. HELLER, supported by Mrs. ATTAH, said that the Sub-Commission should make every effort to avoid language such as that in operative paragraph 10 which spoke of "atrocities perpetrated". The Sub-Commission should try to ensure that the most apposite terminology was used.

54. Mr. ALFONSO MARTINEZ, endorsing the statement made by Mrs. Warzazi, said that he could not support the draft resolution in view of the imbalances in the material it contained and would therefore vote against its adoption.

55. Mr. JOINET suggested that the decision on whether to adopt the draft resolution should be postponed to give the co-sponsors time to consider the statements and comments made.

56. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.20

57. The CHAIRMAN announced that Mrs. Daes had asked to be added to the list of sponsors.

58. Mr. EIDE, supported by Mrs. ATTAH, said that the text needed to be amended in the light of developments since it had first been drafted.

59. With regard to the sixth preambular paragraph, on restrictions imposed upon the activities of the International Committee of the Red Cross, information had subsequently been received that the Indonesian authorities had announced that the ICRC would be permitted to resume its activities. In view of that, he suggested that the paragraph should read:

> "Gravely concerned at the restrictions that were imposed upon the activities of the International Committee of the Red Cross, and that a seventh preambular paragraph should be inserted, reading
>
> "Taking note of the recent announcement by the Indonesian authorities about the resumption of the activities of the said humanitarian organization,"

60. Such amendments would also require a change in operative paragraph 2 which should thus read:

> "Strongly deplores the restrictions that were imposed upon the activities of the International Committee of the Red Cross and urges the Indonesian authorities to honour fully their commitments, recently announced, to facilitate the implementation of the mandate of the International Committee of the Red Cross;"

61. Mrs. WARZAZI said that the Sub-Commission's role should be to applaud positive developments and that she deeply regretted that the text, if so amended, instead of welcoming the lifting of restrictions on ICRC activities, would say that the Sub-Commission "strongly deplores" the restrictions that were imposed and imply that it was "gravely concerned" by the restrictions which in fact were no longer in place.

62. Mr. ALFONSO MARTINEZ, endorsing the point made by Mrs. Warzazi, said that he had reservations with regard to the establishment of a precedent in so far as the amendments would still amount to a retroactive condemnation of something which no longer existed.

63. Mr. EIDE said that he recognized the validity of the comments made and therefore suggested that the text should read:

"Welcomes with satisfaction the lifting of the restrictions ..."

64. Mr. JOINET proposed the formulation "Notes with satisfaction the recent lifting of restrictions ...".

65. The CHAIRMAN said that he took it that the sixth preambular paragraph should read "Noting with satisfaction the recent lifting of restrictions imposed upon the activities of the International Committee of the Red Cross," and operative paragraph 2 should read "Notes with satisfaction the lifting of the restrictions that were imposed upon the activities of the International Committee of the Red Cross;", with the deletion of the end of the sentence.

66. Mr. BROTODININGRAT (Observer for Indonesia) said that the second preambular paragraph referred to old resolutions dealing with the political aspect of the East Timor issue, which was clearly outside the mandate of the Sub-Commission and represented a clear example of the politicization of human rights issues. In any event, Indonesia had rejected the resolutions referred to in the paragraph and its position remained unchanged.

67. Turning to the third preambular paragraph and its corresponding operative paragraph 3, his delegation had rejected resolution 1993/97 of the Commission on Human Rights. Its view on that particular resolution was well-recorded and it maintained that view. With regard to the consensus statement of the forty-eighth session of the Commission, the Sub-Commission might also recall that it represented a package to be implemented consistently by all parties to the consensus and not by Indonesia alone. For its part, Indonesia had spared no effort in implementing the consensus.

68. The fourth preambular paragraph had no corresponding paragraph in the operative part. In that connection, while it should be left to the wisdom of the Sub-Commission to recall its own past resolutions, such an act might be indicative of its insensitivity to the changing situation, especially when the resolutions recalled were more than five or even ten years old.

69. The sixth preambular paragraph and its corresponding operative paragraph 2 were factually incorrect since there had been no restrictions but only a short delay due to poor communications and misunderstandings at the operational level and he wished to reiterate that since 30 July 1993, ICRC

visitation activities had continued normally in East Timor. Cooperation between Indonesia and the ICRC was based on a bilaterally agreed Memorandum of Understanding and to politicize that cooperation by exerting multilateral pressure would inevitably create suspicions which could clearly be counter-productive to the whole process. For the sake of safeguarding his Government's cooperation with the ICRC, his delegation could not but reject that kind of counter-productive external pressure. It was sure that its partner, the ICRC, would not only understand but also fully agree with it in that respect.

70. The second phrase of the seventh preambular paragraph and its corresponding operative paragraph 4 mentioned the removal of prisoners from their original place of residence and linked it with the Fourth Geneva Convention. He wished to state categorically that if indeed there were movements of prisoners in Indonesia, they involved prisoners convicted under criminal law who were thus not subject to the Fourth Geneva Convention. In the case of Mr. Gusmao, who was also a convict under criminal law, he himself had requested the relocation in writing. It was obvious then that the second phrase of the seventh preambular paragraph and operative paragraph 4 were simply irrelevant.

71. Finally the first phrase of the seventh preambular paragraph and its corresponding operative paragraph 1 were typically one-sided and lacking objectivity since they took into account only biased reports from those with a vested interest in perpetuating the issue.

72. In sum, the content of draft resolution E/CN.4/Sub.2/1993/L.20 consisted mostly of provisions which were either politicized, outdated, irrelevant or biased, and as such were unacceptable to his delegation. More disturbing still, it inappropriately contained intrusive elements which endangered cooperation with the ICRC. For those reasons, in spite of his delegation's continuing respect for, and spirit of cooperation with, the Sub-Commission, it would be extremely difficult and even impossible for it to collaborate under the terms dictated by draft resolution E/CN.4/Sub.2/1993/L.20.

73. A vote was taken by secret ballot.

74. At the invitation of the Chairman, Mrs. Chavez and Mr. Alfonso Martínez acted as tellers.

75. Draft resolution E/CN.4/Sub.2/1993/L.20, as amended was adopted by 13 votes to 10 with 2 abstentions.

Draft resolution E/CN.4/Sub.2/1993/L.22

76. Mr. SACHAR said that he endorsed the draft resolution but had noted that its operative paragraph 1 was clearly related to paragraph 17 of the Vienna Declaration and Programme of Action (A/CONF.157/23), which also included the phrase "threatening territorial integrity". He was not sure whether the authors of the draft resolution had deliberately failed to include that phrase but in any case he wished to propose an amendment inserting "territorial integrity" after the word "democracy". If his amendment was accepted, he would like to become a sponsor.

77. Mr. KHALIL said that paragraph 17 of the Vienna Declaration and Programme of Action had a wider scope than the draft resolution but, as one of its sponsors, he had no objection to Mr. Sachar's amendment.

78. Mrs. ATTAH, Mr. GUISSE, Mrs. WARZAZI, Mr. MAXIM, and Mr. YIMER asked to join the list of sponsors.

79. Draft resolution E/CN.4/Sub.2/1993/L.22 as amended, was adopted without a vote.

80. Mr. ALFONSO MARTINEZ said that he considered the text of the resolution to be acceptable and had not wanted to oppose its adoption but he hoped that nothing in the resolution would be used as a pretext for the systematic violation of human rights. He wished to make that point in the light of past events, particularly in the region of Latin America and the Caribbean.

The situation in Myanmar

Draft resolution E/CN.4/Sub.2/1993/L.23

81. Mrs. CHAVEZ said that she wished to draw the attention of the Sub-Commission to recent events in Myanmar and more specifically to a letter she had received from the Deputy Director of the Regional Bureau for Asia and Oceania of the United Nations High Commissioner for Refugees (UNHCR) concerning talks between UNHCR and the Government of Myanmar, as a result of which, in principle, UNHCR was to be allowed to establish a presence in the Rakhine State of Myanmar to coordinate the voluntary repatriation of its residents. Therefore, the words "and had refused to allow monitoring by the United Nations High Commissioner for Refugees" should be deleted from the last preambular paragraph of draft resolution E/CN.4/Sub.2/1993/L.23 and the following preambular paragraph should be added:

> "Commending however the recent discussions between the Government of Myanmar and the United Nations High Commissioner for Refugees in Yangon in July 1993 wherein it was agreed, in principle, that the Office of the United Nations High Commissioner for Refugees will be allowed to establish a presence in the Rakhine State of Myanmar to assist and coordinate the voluntary repatriation of the residents of Rakhine State presently in UNHCR-assisted camps in Bangladesh,".

82. That would also necessitate a change in third operative paragraph 3, with the deletion of the phrase "the monitoring activities of the United Nations High Commissioner for Refugees,". A new operative paragraph should be added after operative paragraph 4 which would read:

> "Encourages the Government of Myanmar to continue further the positive cooperation with the office of the United Nations High Commissioner for Refugees initiated in recent discussions concerning their mutual responsibilities regarding the repatriation of returnees from Bangladesh".

83. Following consultations with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar the words "Muslims,

Christians and" should be deleted from the penultimate preambular paragraph so that it would read "Deploring the ongoing persecution of ethnic minorities" and in operative paragraph 1 the words "termination of the state of emergency" should be deleted, since it was already terminated.

84. Mrs. WARZAZI asked why changes had been made in the penultimate preambular paragraph.

85. Mrs. CHAVEZ said that she understood from discussions with persons who had worked on the report of the Special Rapporteur on the situation in Myanmar that although Christians and Muslims were persecuted the persecution was not on religious but on ethnic grounds and therefore the reference to religious persecution should be deleted.

86. Mr. ALFONSO MARTINEZ agreed with the doubts expressed by Mrs. Warzazi and said that he had not been entirely satisfied by Mrs. Chavez's explanation. It might be useful to have a text incorporating the amendments since substantial changes had been proposed.

87. Mrs. ATTAH and Mr. SACHAR endorsed Mr. Alfonso Martínez's suggestion concerning a new text.

88. Mrs. WARZAZI said that the authors of draft resolutions should take great care to study the facts so that they were aware of what was really going on in a given situation.

89. The CHAIRMAN asked Mrs. Chavez whether she wished to insist on the deletion of "Muslims and Christians".

90. Mrs. CHAVEZ said that she would not insist on the deletion.

91. Mr. TIAN JIN that some members of the Sub-Commission should give more thought when producing draft resolutions. He hoped that a written, corrected version of the draft resolution would be made available.

92. The CHAIRMAN suggested that further discussion on the draft resolution should be postponed until a document incorporating the amendments had been made available to the members of the Sub-Commission.

93. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.24

94. Mr. BOSSUYT proposed the inclusion of an additional preambular paragraph after the ninth preambular paragraph. It would read:

> "Deeply concerned at Iran's refusal to respond to the Swiss judicial inquest regarding 13 Iranians carrying service passports involved in the assassination of Professor Kazem Rajavi,".

He pointed out that a similar paragraph had been included in previous resolutions concerning the human rights situation in Iran.

95. Mrs. WARZAZI requested Mr. Bossuyt to be more explicit. Why were the Swiss authorities asking for information from Iran when it was affirmed that 13 Iranians had been involved?.

96. Mr. BOSSUYT replied that a Swiss judge had ordered a commission to take evidence regarding those persons, but the Iranian authorities had taken no action. The words "to respond to" were therefore correct.

97. Mrs. KSENTINI supported the inclusion of a reference to Professor Rajavi. However, she proposed that the text of the new preambular paragraph should be improved by adding the words "and requests the Iranian Government to cooperate with the Swiss judicial authorities with a view to shedding light on Professor Rajavi's assassination".

98. Mr. BOSSUYT accepted that proposal.

99. Mr. ALAEE (Observer for the Islamic Republic of Iran) said that one of the essential elements in streamlining the work of Special Rapporteurs, experts and NGOs was the principle of harmony with actual developments in the issue under scrutiny, since in its absence the authenticity and credibility of views submitted by those bodies was seriously impaired.

100. His delegation did not wish to react to the fictions reproduced over and over again by some NGOs concerning the situation of human rights in his country but wished rather to shed more light on the evils of the current process which was characterized by a substantial gap between the allegations and reality which could finally prove counter-productive to the work of the Sub-Commission.

101. References had been made to the situation of women in the Islamic Republic of Iran. His delegation had presented many facts and figures on that issue during the consideration of Iran's periodic reports at the Human Rights Committee and the Committee on Social, Economic and Cultural Rights. He did not wish to make detailed references to them but he had expected the sponsors of the draft resolution on the situation in the Islamic Republic of Iran to have taken the trouble of studying the discussions in those bodies. Women in Iran were not regarded as second-class citizens; on the contrary they enjoyed a highly respected position in accordance with Islam and the Constitution of the Islamic Republic of Iran.

102. To the surprise of his delegation, an NGO had referred to a civil war, which was something that, in its contemporary form, had never occurred in Iranian history. Iran's ethnic structure was unique in that it was a country in which Kurds, Turks, Farsis, Baluchis and others lived not as distinct separate groups but as a whole nation. Had it not been for that unique spirit of cohesion among the Iranian people, his country would have failed in its duty to shelter for more than a decade and in the midst of a prolonged eight-year war, over three million refugees from Afghanistan and Iraq. He was confident that the UNHCR representative could fully endorse those facts since they had been hailed on a previous occasion by the Secretary-General of Amnesty International when he had criticized the status of refugees in developed countries.

103. It seemed that the sponsors of the draft resolution on the Islamic Republic of Iran had drafted the document in a complete vacuum. Since the information and allegations on which it was founded were flawed it was obvious that the conclusions and recommendations could have no validity.

104. His country believed that the punishment of illicit drug-traffickers, who were intentionally confused with political prisoners by the sponsors of the draft resolution, would impede the transportation of illicit drugs through the famous Balkan route to Europe. It was therefore very surprising to note that the Islamic Republic of Iran was being condemned for following the campaigns launched in a number of Asian and Latin American countries to combat the traffic of drugs and its abuse.

105. Furthermore the sponsors of the draft resolution seemed to have made every attempt to magnify the allegations against his country specifically when they had reaffirmed, solely on the basis of political interests rather than strong and valid documents, that the Iranian Government was responsible for assassination attempts against individuals in other countries. No one had ever been able to show any evidence of Iran's involvement and therefore that allegation was totally baseless.

106. In conclusion, his delegation regretted that every year it was faced with more or less the same allegations in the Sub-Commission. He wished to reiterate that his country would show the maximum cooperation and readiness to work with the Sub-Commission if the sponsors of the draft resolution would show the slightest inclination to listen and investigate impartially the allegations put before them.

107. A vote was taken by secret ballot.

108. At the invitation of the Chairman, Mrs. Warzazi and Mr. Saboia acted as tellers.

109. The draft resolution was adopted by 20 votes to 3, with 2 abstentions.

110. Mr. Yimer took the Chair.

Draft resolution E/CN.4/Sub.2/1993/L.26

111. Mrs. PALLEY said that in the Sub-Commission it was unusual for a main sponsor to speak on a draft resolution. She was doing so because of the intolerable diplomatic pressure exerted upon members of the Sub-Commission to induce them not to adopt any resolution mentioning the People's Republic of China. She hoped that no motion would be moved under rule 65 (2) of the rules of procedure to take no decision, since the effect of such a motion, if adopted, would be to neglect the situation in Tibet for at least another year at a time when there was grave concern about reliably attested human rights violations there and when the Government of the People's Republic of China had refused to work with the international thematic reporting machinery on human rights violations and had maintained a virtually closed society. Furthermore, discussions between the parties concerned were long overdue.

112. Mrs. ATTAH, speaking on a point of order, asked for a clarification of the proceedings. It was her understanding that only observers for States gave explanations.

113. The CHAIRMAN said that the Sub-Commission had a draft resolution before it and any member could make comments on it before it was put to a vote.

114. Mrs. WARZAZI, speaking on a point of order, said that to make comments was one thing, but to make observations on a motion which had not yet been proposed was quite another.

115. Mrs. PALLEY, resuming her statement, said that in 1992 she had not proposed a draft resolution on exactly the same lines as the one now under consideration because she had been informed by the then Chinese Ambassador that, if she proposed a draft resolution, it would be harmful to discussions, but that, if she did not propose a draft resolution, real talks would occur. There had, however, been no substantive talks. For years the People's Republic of China had imposed the condition that the Dalai Lama must renounce the independence of Tibet. However, the Dalai Lama had for some years made it clear that he was willing to negotiate a solution that fell short of independence and had repeated that position the previous week, when the Chinese Ambassador in New Delhi had been challenged by him to show evidence of when and how he had claimed, at any time in the past years, that he wanted full independence. So far the Chinese Ambassador had been unable to show any instance. She was proposing the draft resolution because the Sub-Commission could not keep on delaying consideration of those matters.

116. Mr. ALFONSO MARTINEZ said that although it was only correct for Governments and NGOs to express their views, he had always opposed the use of pressure against experts. He was, however, also opposed to any pressure being applied by any member of the Sub-Commission on colleagues. What was happening amounted to intolerable pressure from a colleague.

117. Mr. Al-Khasawneh resumed the Chair.

118. Mrs. WARZAZI said that she shared the view expressed by Mr. Alfonso Martínez. Mrs. Palley, in her enthusiasm, might do harm. For instance, she had mentioned the independence of Tibet. The problem of Tibet was very delicate. Although not actually stated, the objective of the draft resolution was to attack the territorial integrity of a State, and the whole position could be considered political. The Commission on Human Rights had rejected a draft resolution on the subject. She therefore moved that no action be taken on the draft resolution before the Sub-Commission.

119. Mr. MAXIM supported that motion.

120. Mrs. KSENTINI, commenting on Mrs. Palley's reference to pressures exerted upon members of the Sub-Commission, said that Mrs. Palley herself was exerting intolerable pressure on other members of the Sub-Commission.

121. Mrs. CHAVEZ said that she supported the very moderately worded draft resolution and Mrs. Palley's comments. The draft resolution did not deal with the autonomy of Tibet but with human rights violations there. The Government

of China was being asked to cooperate with the United Nations Special Rapporteurs and bodies. She was frankly puzzled by the very heavy pressure exerted on members to induce them not to consider the draft resolution.

122. Mr. ALFONSO MARTINEZ and Mrs. ATTAH supported Mrs. Warzazi's motion that no action be taken on the draft resolution.

123. Mr. UL-HAKIM said that he did not understand the statements made by Mrs. Palley and Mrs. Chavez regarding the exertion of pressure on members. He himself had not been subject to any pressure at all. Moreover, the draft resolution referred to a number of violations of human rights, each of which had to be attested through the Working Group on Communications and then discussed at a closed meeting of the Sub-Commission. The draft resolution under consideration seemed to indicate that there was a way of circumventing the 1503 procedure. Further, in operative paragraph 4 it drew "the attention of the parties concerned", but it was not clear who those parties were. Thus the draft resolution contained an inherent contradiction, and he supported the motion that no action be taken on it.

124. Mr. JOINET asked under what rule of procedure the motion that no action be taken had been submitted.

125. The CHAIRMAN replied that, as he understood the situation, it was rule 65 (2).

126. Mrs. PALLEY said that she wished to inform the Sub-Commission that the current Ambassador of China had said that she had a tremendous responsibility for initiating such a draft resolution. Threats had been made. She had been told that, if she submitted the draft resolution, all dialogue would be broken off with regard to Tibet and that China's dialogue and relations with the Sub-Commission would be discontinued, a development for which she would be responsible. She had also been informed that, although the Ambassador recognized that members of the Sub-Commission were all independent experts, that was not the perception of the Chinese Government, which would hold responsible every Government that had a national serving on the Sub-Commission if there was a secret ballot which went against China's interests. She would not have said that if it had not been stated that no threats had been made.

127. Mr. JOINET said that Mrs. Palley could rest assured that everything that was being said was being recorded on tape. Pressures had been exerted on him, too. Perhaps the Sub-Commission should proceed to take a decision immediately.

128. Mrs. WARZAZI observed that the issue of external pressures was normally discussed at closed meetings.

129. Mr. CHERNICHENKO said that, since the subject-matter of the draft resolution was very politicized, it would be wiser to support Mrs. Warzazi's motion.

130. A vote was taken by secret ballot.

131. At the invitation of the Chairman, Mr. Khalil and Mr. Eide acted as tellers.

132. The motion that no action be taken on the draft resolution was adopted by 17 votes to 6, with 2 abstentions.

133. Mr. YONGJIAN TIN (Observer for China) thanked the majority of members of the Sub-Commission for adopting a position of justice. He wished to make it clear that what Mrs. Palley had said did not correspond to the facts and he was sorry that such a discussion had occurred.

The meeting rose at 1.10 p.m.